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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ABDI, KAMBIZ

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/990,605	Applicant(s) MONTGOMERY ET AL.	
	Examiner Kambiz Abdi	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6-13,15-21,23-36,38-45,64-71,73-86 and 88-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-13,15-21,23-36,38-45,64-71,73-86 and 88-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 156 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3621

DETAILED ACTION

1. Claims 1-45 and 64-90 have been considered.
 - Claims 2, 4, 14, 22, 37, 72, 87 and 91-155 are canceled.
 - Claims 1, 508, 13, 17, 19-21, 26-30, 34-35, 43, 64-65, 67-71, 77, 80, 82-86 and 88 have been amended.
 - Claim 156 has been added.
 - Claims 1,3,6-13,15-21,23-36,38-45,64-71,73-86 and 88-90 are pending.

Election/Restrictions

2. Newly submitted claim 156 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The current added claims is directed towards determination of whether a postage indicia applied to a mail piece has been used or not. However, the original claims were directed towards the generation and providing of a postage indicia to be applied to a mail piece.

3. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 156 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Amendment

4. Applicant's arguments with respect to claims 1, 13, 21, 30, 64 and 77 have been considered but are moot in view of the new ground(s) of rejection.

5. Also for the clarity of the rejection examiner would like to point out that specifically the prior art (Whithouse '945) clearly teaches the requirement of the USPS as to including information such as tracking information in the barcode and self authenticating feature to the mail piece (See Whitehouse column 2, lines 34-52). And the newly introduced reference (Bailey '976) clearly teaches and discusses

Art Unit: 3621

that data used to create a self-authenticating signature on a mailing piece is preference of the designer of the system (See Bailey paragraphs [0025] and [0029]).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3,6-13,15-21,23-36,38-45,64-71,73-86 and 88-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,005,945 to Harry T. Whitehouse in view of U.S. Patent Application Publication No. 2005/0209976 to William F. Bailey et al.

3. As per claims 1 and 30, Whitehouse clearly teaches a method of providing a unique postage indicium to be applied on a mail piece for use in a postal system, comprising:

- generating a unique postage indicium having a tracking identification corresponding to the mail piece (See Whitehouse column 2, lines 1-52);
- deriving a digital signature from the tracking identification (See Whitehouse column 13, lines 15-65 and column 14, line 66- column 15, line 17); and
- associating the digital signature with the unique postage indicium to generate a self-validating unique postage indicium (See White house column 13, lines 15-65 and column 17, line 60- column 18, line 11).

What is not specific by the Whitehouse is the data chosen to be used for generation of the signature. However, Bailey clearly teaches that any data including the tracking information can be used for generation of the verifying signature (See Bailey paragraphs [0023], [0025], and [0029]). Therefore, it

Art Unit: 3621

would have been obvious to one having ordinary skill in the art at the time the current invention was made to incorporate the teachings of Bailey into that of Whitehouse for enhancing security and better protection of the data associated with the indicium.

6. As per claim 3, Whitehouse clearly teaches the method of claim 1, further the digital signature association comprises attaching the digital signature to the unique postage indicium (See Whitehouse column 6, lines 30-45, column 7, lines 6-12, and column 13, lines 40-60).

7. As per claim 5, Whitehouse clearly teaches the method of claim 1, further comprising applying the self-validating unique postage indicium to the mail piece in a barcode format (See Whitehouse column 13, lines 55-59).

8. As per claim 6, Whitehouse clearly teaches the method of claim 1, further the mail piece is a package (See Whitehouse column 24, lines 39-44).

9. As per claim 7, Whitehouse clearly teaches the method of claim 1, further the mail piece is an envelope (See Whitehouse column 9, lines 24-27).

10. As per claim 8, Whitehouse clearly teaches the method of claim 1, further the tracking identification is also applied to the mail piece independently of the self-validating unique postage indicium (See Whitehouse figure 2, column 15, lines 34-43, and column 26, lines 49-55).

11. As per claim 9, Whitehouse clearly teaches the method of claim 1, further the digital signature is generated by applying a private key to the unique postage indicium (See Whitehouse column 13, lines 37-65).

Art Unit: 3621

12. As per claim 10, Whitehouse clearly teaches the method of claim 1, further the tracking identification originates from a single database within the postal system (See Whitehouse column 13, lines 19-55).

13. As per claim 11, Whitehouse clearly teaches the method of claim 1, further the postal system is the United States Postal Service (See Whitehouse column 6, lines 1-18).

14. As per claim 12, Whitehouse clearly teaches the method of claim 1, further the unique postage indicium further has one or more items selected from the group consisting of an indicia version number, algorithm identification, certificate serial number, device identification, ascending register, postage, date of mailing, originating zip code, software identification, descending register, and rate category (See Whitehouse column 13, lines 19-46).

15. As per claim 13, Whitehouse clearly teaches a method of detecting postal fraud in a postal system, comprising:

- receiving a plurality of mail pieces within the postal system (See Whitehouse figure 8, column 21, line 48- column 23, line 7),
- each carrying a tracking identification self-validating postage indicium containing a postage indicium (See Whitehouse figure 8, column 2, lines 43-52, and column 21, line 48- column 23, line 7), and
- having a digital signature derived from the tracking identification (See Whitehouse figure 8, column 2, lines 43-52, and column 21, line 48- column 23, line 7);
- reading each self-validating postage indicium to obtain the postage indicium and digital signature (See Whitehouse figure 8, column 2, lines 43-52, and column 21, line 48- column 23, line 7);

Art Unit: 3621

- validating each postage indicium by determining if the digital signature is consistent with the tracking identification of the corresponding mail piece (See Whitehouse figure 8, column 2, lines 43-52, column 3, lines 3-7, and column 21, line 48- column 23, line 7).

What is not specific by the Whitehouse is the data chosen to be used for generation of the signature. However, Bailey clearly teaches that any data including the tracking information can be used for generation of the verifying signature (See Bailey paragraphs [0023], [0025], and [0029]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to incorporate the teachings of Bailey into that of Whitehouse for enhancing security and better protection of the data associated with the indicium.

16. As per claim 15, claim contains the same limitations as claim 5; therefore the same rejection is applied as above.

17. As per claim 16, claim contains the same limitations as claim 9; therefore the same rejection is applied as above.

18. As per claim 17, claim contains the same limitations as claim 10; therefore the same rejection is applied as above.

19. As per claim 18, claim contains the same limitations as claim 11; therefore the same rejection is applied as above.

20. As per claim 19, Whitehouse clearly teaches the method of claim 13, Whitehouse clearly teaches postal fraud is determined if two of the tracking identification match (See Whitehouse figure 8, column 2, lines 43-52, column 3, lines 3-7, and column 21, line 48- column 23, line 7).

Art Unit: 3621

21. As per claim 20, claim contains the same limitations as claim 12; therefore the same rejection is applied as above.

22. As per claim 21, claim contains the same limitations as claims 13 and 8; therefore the same rejection is applied as above.

23. As per claim 22, claim contains the same limitations as claim 2; therefore the same rejection is applied as above.

24. As per claim 23, claim contains the same limitations as claim 5; therefore the same rejection is applied as above.

25. As per claim 24, claim contains the same limitations as claim 9; therefore the same rejection is applied as above.

26. As per claim 25, claim contains the same limitations as claim 11; therefore the same rejection is applied as above.

27. As per claim 26, claim contains the same limitations as claim 19; therefore the same rejection is applied as above.

28. As per claim 27, claim contains the same limitations as claim 19; therefore the same rejection is applied as above.

29. As per claim 28, Whitehouse clearly teaches the method of claim 27, further postal fraud is determined if two of the tracking identification match (See Whitehouse column 2, lines 16-22 and column

Art Unit: 3621

3, lines 3-7).

30. As per claim 29, claim contains the same limitations as claim 12; therefore the same rejection is applied as above.

31. As per claim 31, Whitehouse clearly teaches the method of claim 30, further the steps are performed in a centralized postage-issuing computer system (See Whitehouse column 6, lines 20-30).

32. As per claim 32, Whitehouse clearly teaches the method of claim 31, further receiving a plurality of postage indicium requests at the centralized postage-issuing computer system from a plurality of end user computers; and transmitting the plurality of self-validating unique postage indicia from the centralized postage-issuing computer system to the plurality of end user computers (See Whitehouse column 6, lines 30-65).

33. As per claim 33, Whitehouse clearly teaches the method of claim 32, further each of the plurality of postage indicium requests is embodied in a single data stream (See Whitehouse column 26, lines 49-55)

34. As per claim 34, Whitehouse clearly teaches the method of claim 32, further receiving the plurality of unique tracking identifications at the centralized postage-issuing computer system from a master tracking computer system (See Whitehouse column 21, lines 11-47).

35. As per claim 35, Whitehouse clearly teaches the method of claim 32, further receiving the plurality of unique tracking identifications at the centralized postage-issuing computer system from the plurality of end user computers (See Whitehouse column 26, lines 39-55).

Art Unit: 3621

36. As per claim 36, Whitehouse clearly teaches the method of claim 30, further all of the steps are performed in a plurality of end user computers (See Whitehouse column 6, lines 30-65).

37. As per claim 37, claim contains the same limitations as claim 2; therefore the same rejection is applied as above.

38. As per claim 38, claim contains the same limitations as claim 3; therefore the same rejection is applied as above.

39. As per claim 39, claim contains the same limitations as claim 4; therefore the same rejection is applied as above.

40. As per claim 40, claim contains the same limitations as claim 5; therefore the same rejection is applied as above.

41. As per claim 41, claim contains the same limitations as claim 6; therefore the same rejection is applied as above.

42. As per claim 42, claim contains the same limitations as claim 7; therefore the same rejection is applied as above.

43. As per claim 43, claim contains the same limitations as claim 9; therefore the same rejection is applied as above.

44. As per claim 44, claim contains the same limitations as claim 11; therefore the same rejection is applied as above.

Art Unit: 3621

45. As per claim 45, claim contains the same limitations as claim 12; therefore the same rejection is applied as above.

46. As per system claims 64-90, all the claims are substantially claiming the same limitations as claims 1-45 above, therefore, the rejections provided above applies to the current limitations of claims 64-90.

47. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

48. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

49. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3621

the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

50. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to **Kambiz Abdi** whose telephone number is **(571) 272-6702**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **(571) 272-6712**.

51. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

<http://portal.uspto.gov/external/portal/pair>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

(571) 273-8300 [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6702 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Examiner in the

Knox Building, 50 Dulany St. Alexandria, VA.

Kambiz Abdi

Examiner


December 12, 2005